

REMARKS

Claims 1-26 were pending in the application. Claims 1, 4, 10, 19-21, and 25 have been amended. No claims have been canceled. Claims 27 and 28 have been added. Support for claims 27 and 28 may be found, among other places, in paragraphs [0036] to [0040] in the specification. Claims 7-9 have been withdrawn. Therefore, claims 1-28 are now pending in the application. Reconsideration of the application is requested for at least the reasons that follow.

The Examiner's acknowledgement of the Information Disclosure Statement filed December 1, 2003, and the claim for foreign priority is appreciated.

Specification

The specification has been amended on paragraph number [0037] for a minor informality. Specifically, "cap portions 28, 20b" have been replaced with "cap portions 20a, 20b," which is shown in Fig. 1b.

Objections

Claims 20 and 21 are objected to for informalities. Claims 20 and 21 have been amended where appropriate. Withdrawal of the objections is respectfully requested.

35 U.S.C. 112 Rejections

Claims 1-6 and 10-26 are rejected under 35 U.S.C. 112, second paragraph, as indefinite. Amendments to claims 1, 4 and 10 have been made where appropriate. Reconsideration and withdrawal of the rejection is respectfully requested.

Allowable Subject Matter

The Examiner's indication that claims 19-21 contain allowable subject matter is greatly appreciated. Claims 19 and 21 have been rewritten into independent form. In addition, claims 20 and 21 have been amended to overcome the 35 U.S.C. 112 rejections and, therefore, claims 19-21 are now in condition for allowance.

35 U.S.C. 102 Rejections**Claims 1-4, 11-14 and 23-26: Lutz**

Claims 1-4, 11-14 and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,126,195 (“Lutz”). Reconsideration and withdrawal of the rejections is respectfully requested for at least the following reasons.

The rejection should be withdrawn because Lutz fails to teach each and every element of the claimed invention. For example, Lutz does not disclose, teach or suggest “wherein the module is configured so that the pivoting of the at least one portion of the boundary wall is caused by a force applied by the deploying gas bag,” as called for in claims 1 and 25. On the contrary, the side walls 21 of Lutz pivot outward due to the movement of the second cup shaped housing part 15. *See* Lutz at Figs. 3 and 4. The movement of the housing 15 occurs due to the “high internal pressure [that] is produced in the generator by means of the produced gas.” Lutz at col. 2, lines 44-47. The housing parts 13, 15 push apart, causing the convex extensions 19, “which lies against the inner face of the side walls 21,” to pivot the side walls 21 out. Lutz at col. 3, lines 37-58. The gas bag 7 of Lutz merely opens the cover 5, but does not force pivoting of “one portion of the boundary wall.” Thus, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2-4, 11-14, 23-24 and 26-28 depend from either claim 1 or claim 25 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

Claims 1-6, 10-14, 18, and 22-26: Lang

Claims 1-6, 10-14, 18, and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,364,345 (“Lang”). Reconsideration and withdrawal of the rejections is respectfully requested for at least the following reasons.

The rejection should be withdrawn at least because Lang fails to teach each and every element of the claimed invention. For example, Lang does not disclose, teach or suggest “wherein the module is configured so that the folded gas bag at least partially surrounds the gas generator,” as called for in claims 1 and 25. Lang discloses a gas bag module with a housing 10 separated into a lower part 12 and an upper part 14. The lower part 12 houses the

gas generator and the upper part 14 houses a gas bag. *See* Lang at col. 2, lines 17-23. Therefore, the gas bag is separate from the generator and so the gas bag could not “at least partially [surround] the gas generator.” Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2-6, 10-14, 18, 22-24 and 26-28 depend from either claim 1 or claim 25 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

35 U.S.C. 103 Rejections

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz in view of U.S. Patent No. 4,903,986 (“Cok”). Reconsideration and withdrawal of the rejections is respectfully requested for at least the following reasons.

Claims 15-17 depend from claim 1. The references, taken together or separately, fail to disclose, teach or suggest the subject matter of claim 1. For example, neither reference discloses, teaches or suggests “wherein the module is configured so that the pivoting of the at least one portion of the boundary wall is caused by a force applied by the deploying gas bag,” as called for in claim 1. As discussed above, the side walls 21 of Lutz pivot outward due to the movement of the second cup shaped housing part 15. Cok fails to cure the deficiencies of Lutz. Therefore, reconsideration and withdrawal of the rejection of claims 15-17 is respectfully requested.

New Claims

New claims 27-28 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth in these dependent claims.

Conclusion

Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 5/9/05

By Howard N. Shipley

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5490
Facsimile: (202) 672-5399

Howard N. Shipley
Attorney for Applicant
Registration No. 39,370